

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Larry Collins,)	CASE NO. 1:09 CV 2427
)	
Petitioner,)	JUDGE PATRICIA A. GAUGHAN
)	
vs.)	
)	
Frank Shewalter, Warden,)	<u>Order</u>
)	
Respondent.)	

This matter is before the Court upon the Report and Recommendation of Magistrate Judge Gallas (Doc. 12). For the following reasons, the Report and Recommendation is ACCEPTED.

Petitioner, Jason M. Allen, commenced this action with the filing of a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Petitioner moved for summary judgment on the basis of respondent's alleged failure to meet certain deadlines. The Magistrate Judge recommended that the motion for summary judgment be denied as respondent did not fail to meet the deadlines. Objections to the Report and Recommendation have not been filed.

When no objections have been filed this Court need only satisfy itself that there is no

clear error on the face of the record in order to accept the recommendation. *See* Advisory Committee Notes 1983 Addition to Federal Rule of Civil Procedure 72. Having found no clear error, the Court agrees with the Report and Recommendation and denies the motion for summary judgment.

For the foregoing reasons, the Report and Recommendation is accepted. This matter is to proceed on the Petition before Magistrate Judge Gallas.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan
PATRICIA A. GAUGHAN
United States District Judge

Dated: 4/28/10